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Representing the United States

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADALBERTO ROQUE,

Defendant.

Case No.: 2:18-CR-345-RFB-GWF

**Stipulation to Continue Oral Argument
Hearing on Motion to Dismiss
(First Request)**

The government and defendant Aldaberto Roque, through his counsel RENE L. VALLADARES, Federal Public Defender, and Andrew Wong, Assistant Federal Public Defender, hereby agree and stipulate that the hearing set for oral argument on the Defendant's motion to dismiss, currently set for April 9, 2019, at 3:00 p.m. be continued to either April 15 or the afternoon of April 16, 2019, at a time convenient to this Court for the following reasons:

1. The government needs additional time to prepare for oral argument. AUSA Nancy Olson will be assisting AUSA Kimberly M. Frayn in arguing the issues. She is out of

1 the district from April 9, 2019, until Monday, April 15, 2019, and will be unable to appear
2 at the currently scheduled hearing date. The requested continuance will allow for continuity
3 of counsel and is made in furtherance of judicial economy. Denial of the request may result
4 in a miscarriage of justice.

5 2. The Defendant is incarcerated. The defense counsel does not oppose this brief
6 continuance. The brief delay will not be unduly prejudicial to the defense.

7 3. The brief three business day continuance will not delay the trial, which is
8 presently set for May 20, 2019.

9 4. It is respectfully requested that the oral argument on the Defendant's motion
10 to dismiss, currently set for April 9, 2019, at 3:00 p.m. be continued to either April 15 or the
11 afternoon of April 16, 2019, at a time convenient to this Court. This is the first request to
12 continue this motion hearing.

13 Dated this the 4th day of April, 2019.

14
15 NICHOLAS A. TRUTANICH
United States Attorney

RENE L. VALLADARES
Federal Public Defender

16
17 /s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
18 Assistant United States Attorney

/s/ Andrew Wong
ANDREW WONG
Assistant Federal Public Defender

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

-oOo-

3 UNITED STATES OF AMERICA,)

4 Plaintiff,)

5 vs.)

6 ADALBERTO ROQUE,)

7 Defendant.)
8)
9)

Case No.: 2:18-CR-345-RFB-GWF

ORDER

10 **FINDING OF FACTS**

11 Based on the pending Stipulation of counsel and good cause appearing therefore,
12 the Court finds that:

13 1. The government needs additional time to prepare for oral argument. AUSA
14 Nancy Olson will be assisting AUSA Kimberly M. Frayn in arguing the issues. She is out of
15 the district from April 9, 2019, until Monday, April 15, 2019, and will be unable to appear
16 at the currently scheduled hearing date. The requested continuance will allow for continuity
17 of counsel and is made in furtherance of judicial economy. Denial of the request may result
18 in a miscarriage of justice.

19 2. The Defendant is incarcerated. The defense counsel does not oppose this brief
20 continuance. The brief delay will not be unduly prejudicial to the defense.

21 3. The brief three-business day continuance will not delay the trial, which is
22 presently set for May 20, 2019.
23
24

4. It is respectfully requested that the oral argument on the Defendant's motion to dismiss, currently set for April 9, 2019, at 3:00 p.m. be continued to either April 15 or the afternoon of April 16, 2019, at a time convenient to this Court. This is the first request to continue this motion hearing.

ORDER

IT IS THEREFORE ORDERED that the hearing currently set for April 9, 2019, at 3:00 p.m. be continued to the 24th day of April, 2019, at the hour of 10:00 AM

DATED this 4th day of April, 2019.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE